

GUTRIDE SAFIER LLP

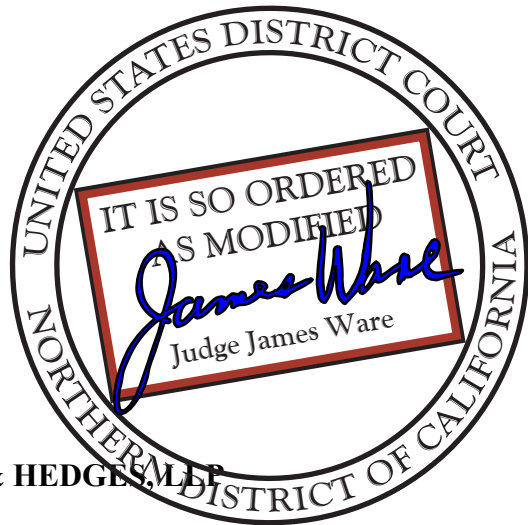
ADAM J. GUTRIDE (State Bar No. 181446)
adam@gutridesafier.com
SETH A. SAFIER (State Bar No. 197427)
835 Douglass Street
seth@gutridesafier.com
L. JAY KUO (State Bar No. 173293)
jay@gutridesafier.com
San Francisco, California 94114
Telephone: (415) 336-6545
Facsimile: (415) 449-6469

Attorneys for Plaintiff

QUINN EMANUEL URQUHART OLIVER & HEDGES LLP

Jeffery D. McFarland (Bar No. 157628)
jeffmcfarland@quinnemanuel.com
Stan Karas (Bar No. 222402)
stankaras@quinnemanuel.com
A.J. Bedel (Bar No. 243603)
ajbedel@quinnemanuel.com
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Attorneys for Defendant ACER AMERICA CORPORATION



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KEVIN EMBRY, an individual, on behalf of
himself, the general public and those similarly
situated

Plaintiff,

v.

ACER AMERICA CORPORATION; AND
DOES 1 THROUGH 50

Defendants

CASE NO. CV-09-01808 (JW)

**STIPULATION TO CONTINUE THE
HEARING ON PLAINTIFF'S MOTION
TO STRIKE**

1 TO THE COURT AND ALL PARTIES,

2 WHEREAS Plaintiff Kevin Embry has filed a motion to strike certain affirmative
3 defenses in Defendant Acer America Corporation's answer to Embry's complaint.

4 WHEREAS the parties have been meeting and conferring, and expect to resolve the
5 dispute by stipulating to the filing of an amended answer.

6 WHEREAS the hearing on the motion to strike is set for October 5, 2009.

7 WHEREAS the parties believe that a brief continuance of this hearing date would allow
8 them sufficient time to resolve their dispute, which may render most, if not all, of the motion
9 moot.

10 THE PARTIES HEREBY STIPULATE AND AGREE that the hearing on the motion to
11 strike should be continued to November 16, 2009, which is the next available date on the Court's
12 calendar.

13
14 DATED: September 28, 2009

GUTRIDE SAFIER LLP

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16 By: /s/

Seth A. Safier

Attorneys for Plaintiff

Kevin Embry

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19 DATED: September 28, 2009

20 QUINN EMANUEL URQUHART OLIVER &
21 HEDGES, LLP

22 By: /s/

Jeffery D. McFarland

23 Attorneys for Defendant ACER AMERICA
24 CORPORATION

*** ORDER ***

25 For good cause shown, the Court GRANTS the parties' Stipulation to continue the hearing
26 on Plaintiffs' Motion to Strike Defendant's Affirmative Defenses, modified as follows:
27 The hearing is continued from October 5, 2009 to **November 9, 2009 at 9 a.m.** On or before
28 **October 19, 2009**, Defendant shall file its Opposition. On or before **October 26, 2009**,
Plaintiffs shall file their Reply.

Dated: September 29, 2009


JAMES WARE

United States District Judge